

## **Section 721 - Food Establishments and Food Vending Machines**

**721.01 Purpose and Objectives.** The purpose of this Section is to establish standards to protect the health, safety and general welfare of the public pursuant to powers granted under Minnesota Statutes Section 145A.03 through 145A.14 and Section 412.221 and subsequent amendments as adopted.

The general objectives of this Section include the following:

- A. Prevent Food-borne illness.
- B. Correct and prevent conditions that may adversely affect persons utilizing food establishments.
- C. Provide minimum standards for the design, construction, operation and maintenance of food establishments.
- D. Meet consumer expectations of the quality and safety of food establishments.

**721.02 Scope.** This Section shall be applicable to all food establishments where food, meals, lunches or beverages are prepared or served for consumption on the premises or immediate consumption off the premises. This Section shall not apply to food service operations conducted in and for a House of Worship when the food service is primarily limited to preparation, service or consumption by the members of the House of Worship, or food service operations licensed by the Minnesota Department of Agriculture pursuant to M.S. 28A.

### **721.03 License Administration.**

Subd. 1 **License Required.** No person shall operate a food establishment or operate any of the following types of enterprises within the City without first obtaining a license of the applicable type described in this Section, pursuant to this Section:

Low Risk Food Establishment

Medium Risk Food Establishment

High Risk Food Establishment

Supervised Group Home

Food Vehicle

Food Vending Machine

Itinerant Food Establishment

Pushcart Food Establishment

An additional fee will be required for the following food establishments:

Additional Facility

Alcohol Service from a Bar

Beer or Wine Table Service

**Subd. 2. Application and License Fee.**

A. The application for a license under this Section shall be submitted on forms provided by the City Clerk. The application shall be accompanied by a fee in the amount set forth in Section 185 of this Code. All license applications applied for after October 1 of each year may be charged one half of the license fee except the base fee may not be reduced by one half.

B. Each application for license for a Low Risk Food Establishment, Medium Risk Food Establishment, High Risk Food Establishment or Supervised Group Home, shall include a base fee as set forth in Section 185 of this Code.

**Subd. 3. License Procedure and Control.** The provisions of Section 160 of this Code Shall apply to all licenses required by this Section and to the holder of such licenses.

**Subd. 4. Term.** Licenses issued pursuant to this Section shall expire on March 31 of each calendar year.

**721.04 Self-Inspection Program.**

**Subd. 1. Licensee Responsible for Self Inspection Program.** Every licensee of a food establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, manager, sanitation supervisor or designated agent.

**Subd. 2. Self Inspection Program Acceptable to Health Authority.** Every licensee self-inspection program shall be acceptable to the Health Authority.

**721.05 Safety.**

A. Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraint.

**721.06 Standards Adopted.**

**Subd. 1 Minnesota Food Code.** Minnesota Statute Chapter 157.20 and Minnesota Rules 4626, except 4626.1755 through 4626.1780, and all future revisions thereof, are hereby adopted by reference and made a part of this ordinance except where they are specifically amended by this Section.

Subd. 2 **Definitions Amended.** Minnesota Rules 4626.0020 are hereby amended by including the following terms and the meanings given them:

**Additional Facility** is a food service or operation which is separate, distinct or unique from the central or main food establishment, as determined by the Health Authority.

**Alcohol Service from a Bar** is a food establishment where alcoholic mixed drinks are served or where beer or wine are served from a bar.

**Beer or Wine Table Service** is a food establishment which serves only beer or wine to customers seated at tables.

**Health Authority** where used in this Section shall mean a designated member of the City of Edina Health Department. The term “regulatory authority” in the Minnesota Food Code, Minnesota Chapter 4626 shall mean Health Authority.

**Itinerant Food Establishment** is a food establishment operating for a temporary period, including but not limited to a fair, carnival, circus, church supper or public exhibition.

**Low Risk, Medium Risk and High Risk Food Establishments** are food establishments as defined in M.S. 157.

**Pushcart Food Establishment** is any non self propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

**Supervised Group Home** is a food establishment which includes sleeping accommodations for five (5) or more regular boarders and no more than ten (10) regular boarders for periods of one week or more and which provides supervision for the boarders and is registered for special services pursuant to M.S. 157.17.

Subd. 3 **Standards Amended.** The above adopted Rules are hereby amended as follows:

A. Minnesota Rules 4626.1050 HANDWASHING LAVATORY; WATER TEMPERATURE AND FLOW.

*“A. A handwashing lavatory shall be equipped to provide water at a temperature of at least 43 degrees C (110 degrees F) but not more than 54 degrees C (130 degrees F).*

*B. A steam mixing valve shall not be used at a handwashing lavatory.*

*C. An automatic self-closing faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.”*

B. Minnesota Rules 4626.1325 SURFACE CHARACTERISTICS; INDOOR AREAS “Item A. Except as specified in Item B, materials for indoor floor wall and ceiling surfaces under conditions of normal use shall be:

*“(1) smooth, durable and easily cleanable for areas where food establishment operations are conducted;*

*(2) closely woven and easily cleanable carpet, where carpeting is permitted; and*

*(3) nonabsorbent and constructed of material which resists the wear and abuse to which they are subjected such as quarry tile, ceramic tile, or terrazzo, for food preparation areas, wait station, kitchen, bar, walk-in refrigeration, warewashing, toilet, and interior garbage and refuse storage areas; areas subject to flushing or spray cleaning methods; and other areas subject to moisture. Antislip flooring may not be used beneath fixed equipment.”*

C. Minnesota Rules 4626.1440 HANDWASHING CLEANSER AND NAILBRUSH; AVAILABILITY. “Each handwashing lavatory or group of two adjacent lavatories shall have available:

*“A. A supply of liquid hand soap or powder dispensed from a mounted dispenser, or bar soap, and*

*B. A nailbrush at the handwashing lavatory used by employees.”*

D. Minnesota Rules 4626.1445 HAND DRYING PROVISION. “Each handwashing lavatory or group of adjacent lavatories shall be provided with:

*A. Individual, disposable towels in a mounted dispenser;*

*B. A continuous towel system that supplies the user with a clean towel; or*

*C. A heated-air hand drying device except that a heated-air hand drying device shall not be the only device provided at a sink used by food employees in a food preparation or warewashing area.”*

E. Minnesota Rules 4626.1465 TOILET TISSUE; AVAILABILITY. “A supply of toilet tissue in a mounted dispenser shall be available at each toilet.”

F. Minnesota Rules 4626.1470 LIGHTING INTENSITY. “All areas in which food is prepared, processed, manufactured, packaged or stored; or where utensils and equipment are washed; handwashing areas, locker rooms, toilet

*A. All food contact surfaces must be illuminated at not less than seventy (70) foot-candles of light.*

*B. At least thirty (30) foot-candles of light must be provided on all other surfaces and equipment.*

*C. In food and equipment storage areas, a minimum of twenty (20) foot-candles of light measured at 30 inches from the floor must be provided.*

*D. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the above requirements must be available during all clean-up and maintenance periods in dining rooms and access areas.”*

G. Minnesota Rules 4626.1715, DENIAL, REVOCATION, OR REFUSAL TO RENEW; APPEALS, paragraph B, is amended to read as follows:

*“B. A person may appeal the denial, revocation, or refusal to renew a variance by filing a written appeal to the City Council with the City Clerk within ten days of notification of the denial, revocation or refusal to renew said variance. The City Council shall hear such appeal at the next scheduled City Council Meeting.”*

H. Minnesota Rules 4626.1720, REVIEW OF PLANS is amended by replacing paragraph B with the following:

*“B. Plans, specifications, an applications form and fees as set forth in Code Section 185 shall be submitted to the regulatory authority at least 30 days before beginning construction, extensive remodeling or conversion of a food establishment.”*

*History: Ord 731 codified 1970; amended by Ord 731-A1 1-24-74, Ord 731-A2 2-16-77, Ord 731-A3 3-4-81, Ord 731-A5 9-29-82, Ord 731-A6, 4-30-86, Ord 731-A7 11-12-86, Ord 731-A8 9-23-87, Ord-A9 2-28-90; Ord 1999-12 repealed Section 720 replaced by 721; Ord 2010-10, 07-15-10*

*Reference: M.S. 471.707 (Notice and hearing to increase vending machine fees), M.S. 144.411 through 144.417 (Clean Indoor Air Act), M.S. 145A.03 through 145A.08*

*Cross Reference: Sections 160, 185*